

REMARKS

The Applicant has added new Claim 6 which, together with claims 1-3 and 5, remain in the application. The Applicant notes the examiner's rejection of Claims 1-3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0033311 A1 ("Skinner") and respectfully requests reconsideration and withdrawal of said rejection in light of the following discussion.

The Applicant respectfully submits that Claims 1-3 and 5 are not unpatentable under 35 U.S.C. 103 (a) over the published patent application cited. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and *not* based on the Applicants' disclosure. MPEP § 2143. "In determining differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." MPEP § 2141.02 (emphasis in original) (citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Norton Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983)).

The Applicant respectfully submits that Skinner teaches a system whereby buyers can search for multiple amounts of the same product/service by entering a single search query, with the system ranking the search results by the suppliers that have the greatest capability to supply multiple amounts of the same product/service or best pricing/terms for the particular product.

Paragraph [0010], lines 22-25 of Skinner refer to ranking of suppliers for “each defined supplier role,” not by capability to fulfill all supplier roles. See also paragraph [0043] step 302 – “the user identifies a product of interest.” Skinner is directed to the need to interact with multiple suppliers where the various different products desired are not all available from a single vendor, as discussed in Paragraph [0002] of Skinner. While Skinner may disclose a system for purchasers to make price and supply quantity capability comparisons with respect to multiple vendors with respect to a particular products, there is no suggestion in Skinner of vendor ranking by capability to fill an entire order of multiple different products. Paragraph [0008] of Skinner which describes the method, consistently refers to searches for single products. Skinner does not teach or suggest a method or system for purchasers to search for multiple different products/services via a single search query for the entire multiple product/service order, and receive search results ranked by the vendor that can best fill the entire multiple product/service order, which is what the Applicant’s invention provides. This novel capability greatly improves simplicity and efficiency in the procurement of products/services in that purchasers can more easily evaluate and select the best vendor for a multiple product/service order, also maximizing the potential savings from getting the best “package price” for an entire order.

As such, Skinner does not teach or suggest all of the Applicant’s claim limitations, as amended, and *prima facie* obviousness is not established. For the same reasons, claims 1-3 and 5 are not unpatentable over Skinner in view of U.S. Patent No. 4,799,156 (“Shavit et al.”). The Applicant respectfully submits that its invention as claimed is not obvious in view of the patent publications cited by the examiner. The Applicant therefore respectfully requests that examiner withdraw the rejections of the Applicant’s claims.


The Applicant respectfully submits that the application and claims, as amended, are in condition for allowance. Nonetheless, should the examiner still have any comments, questions

or suggestions, the examiner is respectfully requested to telephone the undersigned at the telephone number listed below.

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